

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 36-55, 73-85, 95, 99 and 100-102 are presently active in this case. Claims 1-35, 56-72, 86-94, 96-98 having been previously canceled without prejudiced. Claims 36, 37, 45, 47, 51, 55, 73, 80, 95, 99, and 100 having been amended, and Claims 101 and 102 having been added by the present amendment.

In the outstanding Office Action, Figure 59 was objected to for not having a legend such as "Prior Art". The title of the specification was objected to for not being descriptive. The abstract was objected to. Claims 37-41, 45, and 47-55 were objected to due to informalities. Claims 73-85 and 99-100 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 36, 42-45, and 95 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jap. Pat. No. 11-231599 (with machine translation), hereinafter referred to as the '599 patent. Claims 37-41, 46-55, 73-85, 99, and 100 were objected to, but were otherwise indicated as being allowable if rewritten to overcome the 35 U.S.C. § 112, second paragraph, rejection and to include the limitations of the base claim and any intervening claims.

Firstly, Applicants acknowledge with appreciation the indication of allowable subject matter in Claims 37-41, 46-55, 73-85, 99, and 100.

Regarding the objection to the drawings, on the replacement drawing sheet attached herewith, Figure 59 has been labeled with - -Prior Art--. Thus, it is respectfully submitted that the objection to the drawings has been overcome.

Regarding the objection to the title, the title has been amended to be more descriptive. Thus, it is respectfully submitted that the objection to the title has been overcome.

Regarding the objection to the abstract, the abstract has been amended to be more descriptive. Thus, it is respectfully submitted that the objection to the abstract has been overcome.

Regarding the objection to the claims, Claims 37-41, 45, and 47-55 have been amended to address the informalities identified in the Office Action. Thus, it is respectfully submitted that the objection to the claims has been overcome.

Regarding the 35 U.S.C. § 112, second paragraph, rejection to Claims 73-85 and 99-100, Claims 73, 80, 99, and 100 have been amended to more particularly point out, as for example in Claim 73, that the control means calculates a registration control amount based on stored data when an interruption is removed. Thus, it is respectfully submitted that the 35 U.S.C. § 112, second paragraph, rejection has been overcome.

Further, Claims 36 and 95 have been amended to clarify, as for example in Claim 36, that the claimed control means execute a registration control amount correction which is different from the registration control amount establish processing to thereby correct the registration control amount after forming a color image. The outstanding Office Action acknowledges that the '599 patent does not teach correcting the registration control amount after the color image is formed, but asserts that a correction cycle would be used in a copier on powering up.<sup>1</sup> Accordingly, the '599 patent does not disclose or suggest a registration control amount correction different than a registration control amount establish processing (i.e., for example an initial setting at power up) applied to thereby correct the registration control amount after forming a color image, as defined in Claims 36 and 95.

M.P.E.P. § 2143 requires for a *prima facie* case of obviousness that the prior art reference (or references when combined) must teach or suggest all the claim limitations. With no disclosure or suggestion of the above-noted registration control amount correction

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<sup>1</sup> Office Action, page 5, lines 3-9.

different than the registration control amount establish processing feature, it is respectfully submitted that independent Claims 36 and 95 and the claims dependent therefrom patentably define over the applied prior art.

Similarly, new Claims 101 and 102 define memory means that store a registration control amount and control means that reads a registration control amount from the memory means and corrects transfer start positions. After forming a color image at least one or more times based on the registration control amount read from the memory mean, the control means corrects the registration control amount based on information regarding the color image formation. Applicants submit that correcting the registration control amount based on the information regarding the color image formation is also a feature not disclosed or suggested in the '599 patent. Thus, Claims 101 and 102 patentably define over the applied prior art.

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Reply to Office Action of January 8, 2004


Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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Attachments: Letter Submitting Replacement Drawings

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